

Administration of Barack H. Obama, 2009

**Presidential Determination With Respect to Foreign Governments' Efforts
Regarding Trafficking in Persons**

September 14, 2009

Presidential Determination No. 2009–29

Memorandum for the Secretary of State

Subject: Presidential Determination With Respect to Foreign Governments' Efforts Regarding
Trafficking in Persons

Consistent with section 110 of the Trafficking Victims Protection Act of 2000 (Division A of Public Law 106–386), as amended, (the "Act"), I hereby:

Make the determination provided in section 110(d)(1)(A)(i) of the Act, with respect to Burma, the Democratic People's Republic of North Korea (DPRK), and Zimbabwe, not to provide certain funding for those countries' governments for fiscal year 2010, until such government complies with the minimum standards or makes significant efforts to bring itself into compliance, as may be determined by the Secretary of State in a report to the Congress pursuant to section 110(b) of the Act;

Make the determination provided in section 110(d)(1)(A)(ii) of the Act, with respect to Cuba, Eritrea, Fiji, Iran, and Syria, not to provide certain funding for those countries' governments for fiscal year 2010, until such government complies with the minimum standards or makes significant efforts to bring itself into compliance, as may be determined by the Secretary of State in a report to the Congress pursuant to section 110(b) of the Act;

Make the determination provided in section 110(d)(3) of the Act, concerning the determination of the Secretary of State with respect to Swaziland;

Determine, consistent with section 110(d)(4) of the Act, with respect to Chad, Kuwait, Malaysia, Mauritania, Niger, Papua New Guinea, Saudi Arabia, and Sudan, that provision to these countries' governments of all programs, projects, or activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Burma, that a partial waiver to allow funding for programs described in section 110(d)(1)(A)(i) of the Act to combat infectious disease would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Eritrea, that a partial waiver to allow funding for participation by government officials and employees in educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Fiji, that a partial waiver to allow funding for participation by government officials and employees in educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Iran, that a partial waiver to allow funding for participation by government officials and employees in educational

and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Syria, that a partial waiver to allow funding for participation by government officials and employees in educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Zimbabwe, that a partial waiver to allow funding for programs described in section 110(d)(1)(A)(i) of the Act for assistance for victims of trafficking in persons or to combat such trafficking, the promotion of health, good governance, education, agriculture, poverty reduction, livelihoods, or family planning, or which would have a significant adverse effect on vulnerable populations if suspended, would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, that assistance to Eritrea, Fiji, and Zimbabwe, described in section 110(d)(1)(B) of the Act:

- (1) is a regional program, project, or activity under which the total benefit to Eritrea, Fiji, or Zimbabwe does not exceed 10 percent of the total value of such program, project, or activity; or
- (2) has as its primary objective the addressing of basic human needs, as defined by the Department of the Treasury with respect to other, existing legislative mandates concerning U.S. participation in the multilateral development banks; or
- (3) is complementary to or has similar policy objectives to programs being implemented bilaterally by the United States Government; or
- (4) has as its primary objective the improvement of the country's legal system, including in areas that impact the country's ability to investigate and prosecute trafficking cases or otherwise improve implementation of a country's anti-trafficking policy, regulations, or legislation; or
- (5) is engaging a government, international organization, or civil society organization, and seeks as its primary objective(s) to:
 - (a) increase efforts to investigate and prosecute trafficking in persons crimes;
 - (b) increase protection for victims of trafficking through better screening, identification, rescue/removal, aftercare (shelter, counseling), training, and reintegration; or
 - (c) expand prevention efforts through education and awareness campaigns highlighting the dangers of trafficking or training and economic empowerment of populations clearly at risk of falling victim to trafficking would promote the purposes of the Act or is otherwise in the national interest of the United States.

The certification required by section 110(e) of the Act is provided herewith.

You are hereby authorized and directed to submit this determination to the Congress, and to publish it in the *Federal Register*.

BARACK OBAMA

[Filed with the Office of the Federal Register, 8:45 a.m., September 22, 2009]

NOTE: This memorandum was released by the Office of the Press Secretary on September 15, and it was published in the *Federal Register* on September 23.

Categories: Communications to Federal Agencies : Trafficking in persons, foreign governments' efforts regarding, memorandum.

Subjects: Foreign policy, U.S. : Trafficking in persons, efforts to combat.

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